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3. The Respondent is Arandell Corporation, a corporation doing business in the State of Wisconsin.

Statutory and Regulatory Background

4. On April 9, 1996, U.S. EPA approved Wisconsin Administrative Code (Wis. Adm. Code) NR 422.142 (Control of Organic Compound Emissions from Lithographic Printing) as part of the federally enforceable State Implementation Plan (SIP) for the State of Wisconsin, effective June 10, 1996. 61 Fed. Reg. 15706.

5. On January 18, 1995, U.S. EPA approved Wis. Adm. Code Chapter NR 400 (Air Pollution Control Definitions) as part of the federally enforceable SIP for Wisconsin. This rule became effective on February 17, 1995. 60 Fed. Reg. 3538.

6. On April 9, 1996, U.S. EPA approved Wis. Adm. Code NR 422.02 as part of the federally enforceable SIP for Wisconsin. This rule became effective on June 10, 1996. 61 Fed. Reg. 15706. Wis. Adm. Code 422.02 includes definitions applicable to certain terms used in Wis. Adm. Code NR 422.142.

7. Wis. Adm. Code NR 422.142 applies to all lithographic printing presses at any facility which is located in, among other counties, the County of Milwaukee and "which has maximum theoretical emissions of VOCs (volatile organic compounds) from all lithographic printing presses at the facility greater than or equal to 755.7 kilograms (1666 pounds) in any month."

8. Wis. Adm. Code NR 422.142(5)(a) provides, in part, that "[t]he owner or operator of a heatset web lithographic printing press shall demonstrate compliance with the appropriate

destruction efficiency or emission rate in sub.(2)(a) by performing compliance emission tests on each control device. The initial tests shall be performed by the compliance deadline in sub.(6)(a)."

9. Wis. Adm. Code NR 422.142(5)(b)2. states that "any facility with allowable VOC emissions from lithographic printing presses of less than 100 tons per year shall perform an emission test which demonstrates compliance with sub.(2)(a) every 48 months. Each test shall be performed within 90 days of the anniversary date of the initial emission test."

10. Wis. Adm. Code NR 422.142(6)(a) provides that "[t]he owner or operator of a lithographic printing press installed on or before July 1, 1996 shall achieve compliance with the applicable emission limitations of sub.(2) by July 1, 1996."

11. Wis. Adm. Code NR 422.142(6)(b)1. requires the owner or operator of a lithographic printing press which is installed on or before July 1, 1996 to submit to the Wisconsin Department of Natural Resources (WDNR) no later than September 1, 1996 "written certification that the press is in compliance with the applicable requirements of NR 422.142(2) and NR 422.142(3) and to provide a demonstration of compliance in accordance with NR 422.142(4) and NR 422.142(5).

12. 40 C.F.R. § 52.23 states in part that failure to comply with any approved regulatory provision of a SIP, or any permit

condition issued pursuant to approved or promulgated regulations for the review of new or modified stationary or indirect sources, shall render the person so failing to comply in violation of the applicable SIP and subject to enforcement action under Section 113 of the Clean Air Act.

13. The Administrator of U.S. EPA (the Administrator) may assess a civil penalty of up to \$25,000 per day of violation up to a total of \$200,000 for SIP violations that occurred prior to January 31, 1997, under Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1). The Debt Collections Improvements Act of 1996 increased the stationary maximum penalty to \$27,500 per day of violation up to a total of \$220,000 for SIP violations that occurred on or after January 31, 1997. 31. U.S.C. § 3701 and 40 C.F.R. Part 19.

14. Section 113(d)(1) limits the Administrator's authority to matters where the first alleged date of violation occurred no more than 12 months prior to initiation of the administrative action, except where the Administrator and Attorney General of the United States jointly determine that a matter involving a longer period of violation is appropriate for an administrative penalty action.

General Allegations

15. The Attorney General of the United States has concurred with the determination of the Administrator of U.S. EPA, each

through their respective delegates, that an administrative assessment of civil penalties is appropriate for the period of violations alleged in this Complaint.

16. Respondent is a Wisconsin corporation with a place of business at N82 W13118 Leon Road, Menomonee Falls, Wisconsin.

17. Respondent is a "person" within the meaning of Section 302(e) of the Act, 42 U.S.C. Section 7602(e).

18. Respondent is the owner or operator of six "heatset" web "offset" "lithographic printing presses," designated as Presses #451, #455, #456, #457, #458 and #459, as these terms are defined at Wis. Adm. Code NR 422.02.

19. Presses #451, #455, #456, #457, #458 and #459 are sources of VOC emissions to the ambient air.

20. Presses #451, #455, #456, #457, #458 and #459 are located at Respondent's place of business at N82 W13118 Leon Road, Menomonee Falls, Wisconsin.

21. Presses #451 and #456 were installed on or before July 1, 1996.

22. Respondent's place of business at N82 W13118 Leon Road, Menomonee Falls, Wisconsin, is a "facility" as defined at Wis. Adm. Code NR 400.02(39).

23. Respondent's facility has "maximum theoretical emissions" of VOCs from all lithographic printing presses at the facility greater than or equal to 755.7 kilograms (1666 pounds)

in any month; as "maximum theoretical emissions" are defined at Wis. Adm. Code NR 400.02(53m).

24. Wis. Adm. Code NR 422.142 applies to Presses #451 and #456, among other printing presses at Respondent's facility.

25. As the owner or operator of "heatset" web lithographic printing presses, Respondent is subject to Wis. Adm. Code NR 422.142(5)(b).

26. As the owner or operator of lithographic printing presses, Respondent is subject to Wis. Adm. Code NR 422.142(6)(b)1.

27. As the owner or operator of heatset web offset lithographic printing presses, Respondent is subject to limitations as set forth in its WDNR construction and operation permits.

28. On November 15, 1995, the WDNR issued permit number 95-DAA-276 to Arandell. This permit authorizes construction and initial operation of presses 451, 456, 457 and 458. On January 20, 1998, WDNR issued permit number 97-DAA-297 to Arandell. This permit authorizes construction and initial operation of press 455.

29. On March 6, 2000, U.S. EPA sent a Notice of Violation to the Respondent for violations of Wisconsin Rules NR 422.142(5)(b)2, NR 422.142(6)(b)1, and certain permit conditions issued pursuant to approved or promulgated regulations for the

review of new or modified stationary or indirect sources, thereby subjecting Respondent to enforcement action under Section 113 of the Clean Air Act as provided by 40 C.F.R. § 52.23.

30. On March 24, 2000, U.S. EPA and Arandell held a conference to discuss the March 2, 2000, Notice of Violation.

Count I

31. Paragraphs 1 through 30 of this Complaint are incorporated by reference as if fully set forth in this paragraph.

32. Wis. Adm. Code NR 422.142(5)(b)2 required Respondent to demonstrate compliance with appropriate destruction efficiency or emission rates in Wis. Adm. Code NR 422.142(2)(a) by performing compliance emission tests on the control device for Press #451 by July 1, 1996.

33. Respondent performed the initial compliance emission test required by Wis. Adm. Code NR 422.142(5)(b)2 on Press #451 on April 6, 1999 and thus failed to meet the July 1, 1996 deadline.

34. Respondent's failure to demonstrate compliance with the appropriate destruction efficiency or emission rate in Wis. Adm. Code NR 422.142(2) by performing an initial compliance emission test on the control device for Press #451 by July 1, 1996, is a violation of Wis. Adm. Code NR 422.142(5)(b)2 and the federally enforceable SIP for Wisconsin.